

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYJUAN GRAY,

Plaintiff,

v.

DEPUTY BOOSE,

Defendant.

Case No. 22-10100

Honorable Shalina D. Kumar

Magistrate Judge Anthony P. Patti

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 53),
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
(ECF NO. 45), AND DISMISSING COMPLAINT (ECF NO. 1)**

Plaintiff TyJuan Gray (Gray), proceeding pro se, sues defendant Deputy Boose (Boose), alleging under 42 U.S.C. § 1983 violations of his Eight Amendment right against cruel and unusual punishment arising out of Gray's custodial stay in the Genesee County Jail.¹ ECF No. 1. Gray alleges that Boose poisoned his lunch and dinner trays from September 9, 2021 to September 18, 2021. *Id.* at PageID.5-7. Defendant filed a motion for summary judgment which was fully briefed. ECF Nos. 45, 49-52. This case

¹ Gray also brought claims against Genesee County Jail which the undersigned dismissed on March 4, 2024. See ECF No. 6.

was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 8.

On June 18, 2024, the assigned magistrate judge issued a Report and Recommendation (R&R). ECF No. 53. The R&R recommends the Court grant Boose's motion for summary judgment because Gray failed to meet his burden to offer sufficient evidence that Boose ever poisoned his food, let alone did so during the relevant time period. *Id.* Neither party filed an objection to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by the magistrate judge. The Court therefore **ADOPTS** the R&R as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that defendant's motion for summary judgment (ECF No. 45) is **GRANTED** and plaintiff's complaint (ECF No. 1) is **DISMISSED**.

Dated: July 19, 2024

s/ Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge